



## City Recorder's Office

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### City of Eugene Referendum Process

This is a summary of the process for filing a **Referendum Petition** with the City of Eugene. For additional information, please contact AIC City Recorder, Beth Forrest.

#### **What is a referendum?**

The referendum is part of Oregon's system of direct legislation by the voters. This process gives voters the ability to reject legislation adopted by the Eugene City Council but not yet in effect.

#### **Who may file a referendum petition?**

Any elector may refer legislation adopted by the Eugene City Council by filing with the City Recorder a prospective referendum petition requesting that the ordinance adopting the legislation be referred to the electors of the city for approval or rejection. The individual responsible for preparation and organization of a referendum petition is the "chief petitioner." Up to three persons may be designated as chief petitioners for any one referendum petition.

The steps for filing a referendum petition are summarized below.

### CHIEF PETITIONERS SUBMIT PROSPECTIVE REFERENDUM PETITION

Prior to circulation of a referendum petition, the chief petitioner(s) must submit the prospective referendum petition to the City Recorder's Office. The City Recorder shall review the prospective referendum petition for sufficiency as to form, and advise the petitioners of the election filing deadline (Eugene Code Section 2.973). Please call the City Recorder's Office to schedule an appointment. The prospective referendum petition must include the following:

- 1. An exact copy of the ordinance to be referred, as passed by the Eugene City Council.**
- 2. State Form SEL 370: Prospective Petition for Local Measure.** This form requests that the City Attorney prepare a ballot title. The form must include a statement designating the names and addresses of not more than three persons or entities as chief petitioners. If the chief petitioner is an organization, its name and address, and the addresses of each of the principal officers of the organization, must be provided. (Eugene Code Section 2.974)
- 3. State Form SEL 301: Statement One or More Petition Circulators Will/Will Not Be Paid.** (Eugene Code Section 2.973) The chief petitioners shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the referendum petition.

4. **Cover Sheet**, which must include the following and be printed on the reverse side of each signature sheet (EC 2.975):
  - a. Instructions to circulators and signers.
  - b. The title of the ordinance to be referred **OR** the caption of the ballot title as it will appear at the election.<sup>1</sup>
  - c. Names and addresses of Chief Petitioners.
  - d. An attached copy of the complete and correct text of the ordinance being referred. (EC 2.975)
5. **SEL 371 or 373 Signature Sheet**, which must contain the following:
  - a. The number of the ordinance to be referred and the date it was adopted by the council.
  - b. A clear statement as to whether petition circulators are being paid. State Form SEL 373 is to be used if some circulators are being paid. The SEL 371 is to be used if no circulators are being paid.
  - c. A signed statement by the circulator that he/she personally witnessed each individual's signing of the sheet.

**6. SEL 222 Statement of Organization**

Chief petitioners sponsoring an initiative or referendum petition must file a Statement of Organization if they are active. Registration must occur within 3 business days of first receiving a contribution or making an expenditure, but no later than the date the petition is approved for circulation. The City Recorder cannot approve cover and signature sheets for circulation until a Statement of Organization has been filed.

To register, the treasurer or Chief Petitioner must file a Statement of Organization for a Chief Petitioner Committee using the Oregon Secretary of State's electronic filing system, ORESTAR, or completing the paper form (SEL 222), and filing it with the Elections Division either by mail, fax or hand-delivery. The form may be downloaded from the Election's Division website at [www.oregonvotes.org](http://www.oregonvotes.org). Once filed with the Elections Division, an identification number is assigned.

**BALLOT TITLE**

On the next business day after a prospective petition is filed, the City Recorder will provide a copy to the City Attorney. Within 5 business days, the City Attorney will review the prospective petition for legal sufficiency and, if appropriate, issue a ballot title. Unless a successful appeal is filed, this text will appear on the ballot if an election is held on the referendum petition. Once the chief petitioners have received written approval to circulate, the ballot title drafting process and the collection of signatures may occur simultaneously,

**APPEAL OF BALLOT TITLE**

Upon receipt of the ballot title, the City Recorder publishes a notice in the next available edition of the *Register-Guard* (a newspaper of general circulation) that the ballot title has been received. Any elector dissatisfied with the ballot title may, within 7 business days after it is delivered to the City Recorder's Office, file an appeal with Lane County Circuit Court. An appellant must notify the City Recorder that an appeal has been filed no later than 5 pm on the first business day after the petition has been filed with the circuit court. The court rules on such appeals in an expedited hearing and makes the final determination of the ballot title that shall appear before the voters at the election.

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<sup>1</sup> Eugene Code 2.975(3) allows that each signature sheet may contain the number of the ordinance to be referred and the date it was adopted instead of the caption of the ballot title. If petitioners place the Ballot Title language on the cover and signature sheet, and the ballot title is later changed through the appeal process, all signatures collected with the original language would be invalid. Therefore, it is recommended that the Ordinance number and title be used on the signature and cover sheets instead.

## CIRCULATORS COLLECT SIGNATURES

### **Number of signatures required to place a referendum petition on the ballot:**

A referendum petition requires 10 percent of the number of votes cast for mayor at the most recent mayoral election preceding the date when circulation of the petition begins. Based on the November 4, 2008, election, the number of signatures required is **8,041** who must be registered voters in Eugene.

Many signatures are rejected during the verification process because they are illegible, duplications, or the electors do not reside within the boundaries of the city of Eugene. Therefore, petitioners are advised to collect at least 10 percent more signatures than are required (an additional 804 or total of 8,845) in order to increase the likelihood of enough valid signatures to meet the requirement.

### **Time limit for collection of signatures:**

As specified in the Eugene Charter Section 32, an ordinance takes effect 30 days after it has been approved by the council and signed by the mayor, unless it is passed with an emergency clause.

All signatures must be collected and filed with the City Recorder prior to the ordinance taking effect, or no later than 5 p.m. on the 30<sup>th</sup> day following passage of the ordinance.

If the petitioners fail to complete the process within the 30 days, the petition is void. However, the petitioners may later file an initiative petition.

## CHIEF PETITIONERS FILE PETITION SIGNATURE SHEETS FOR VERIFICATION

When a petition is filed with the City Recorder's Office, the petition signature sheets will be forwarded to Lane County Elections. The elections division, acting on behalf of the City, shall verify the legality of the signatures within 15 calendar days of the filing date (Eugene Code 2.979(1)).

## PETITIONERS FILE FINANCIAL REPORTS

Oregon law requires that chief petitioners file reports of all financial transactions. A transaction is due within seven days of its occurrence beginning on the date the treasurer is appointed and the chief petitioner committee is filed with the Elections Division and ending on the deadline for submitting signatures for verification. Beginning on the day after the deadline for submitting signatures, a transaction is due not later than the 30th day after its occurrence. A transaction is due no later than 12 midnight on the deadline for filing the transaction.

If the referendum qualifies to the ballot and will subsequently be voted on at an election, and the chief petitioner committee intends to be active at the election, a political committee must be formed by completing and filing a Statement of Organization (form SEL 221) and Campaign Account Information (form SEL 223).

For more information, please see the *2010 Campaign Finance Manual* published by the Oregon Elections Division.

## ELECTION

### **Placement on an election:**

As specified in Eugene Code Section 2.981, a referendum that is certified to have sufficient signatures will appear on the next available election date under state law that is not sooner than 90 days after the certification, with the following exceptions.

- (1) No later than 61 days prior to the next available election date after verification of signatures on the referendum petition, the City Council may vote to repeal the ordinance referred by petition (Eugene Code 2.980).
- (2) The council may choose to place the referendum on an earlier or later special election. The special election may not be held earlier than 66 days after certification of the petition.

**Timing of effect:**

If a sufficient number of signatures are collected to refer the ordinance to the voters, the ordinance does not take effect before the election. Unless specified otherwise in the measure, an ordinance referred to and approved by the voters shall take effect immediately upon the mayor's proclamation that the measure has passed (Eugene Code Section 2.987).

Eugene Code Sections pertaining to the referendum process and copies of forms referred to in these instructions are included with this packet:

- SEL 370 Prospective Petition for Local Measure
- SEL 301 Statement One or More Petition Circulators Will/Will Not be Paid
- Petition Cover Sheet – SAMPLE only
- SEL 371 Petition for Local Measure Signature Sheet - No Circulators Being Paid
- SEL 373 Petition for Local Measure Signature Sheet - Some Circulators Being Paid
- SEL 222 Statement of Organization for Chief Petitioner Committee
- SEL 221 Statement of Organization for Political Action Committee
- SEL 223 Campaign Account Information
- Eugene Code Chapter 2 Sections 2.960-2.1005